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Written Testimony in Support of Senate Bill 980, An Act Concerning Prison Gerrymandering

Good afternoon Senator Coleman, Representative Tong and members of the Committee on Judiciary. My name is David McGuire. As the Staff Attorney for the American Civil Liberties Union of Connecticut, I am here to support Senate Bill No. 6921, An Act Concerning Prison Gerrymandering.

In recent years attention has been brought to the issue of prison gerrymandering. Although prisoners are not allowed to vote, they are still counted as citizens for purposes of districting and allocation of representatives and funds. Currently, these prisoners are not counted as citizens of the district they lived in when arrested but rather as citizens of the district where they are incarcerated. The result is that those districts where prisons are located are treated as if they have a much larger population of voters than they actually do.

This bill would end prison gerrymandering in Connecticut by requiring that incarcerated individuals be counted at their last home address for state redistricting purposes.

Being treated as larger districts results in disproportionate distribution of funds, giving larger amounts to towns and districts with prisons, to be distributed among a smaller population. This denies funding to districts without prisons, leaving those districts that prisoners actually lived in, often Connecticut's larger and poorer cities, with less funding than their population merits.

The practice of prison gerrymandering essentially robs Connecticut's poorest communities of desperately needed funding for programs and services that might actually prevent the next generation from coming into contact with the criminal justice system. Instead it sends those services elsewhere on behalf of an inmate who will never have the opportunity to use them.

The district the prisoner lived in prior to his incarceration is the district to which a prisoner is most likely to return upon being released, the district that will have the greatest interest in the prisoner's rehabilitation and reintegration into society, and the district that will bear the burden of helping the prisoner reintegrate upon release. Therefore, these are the districts whose population counts should include the prisoner.

Equally important is that this bill will help ensure voting equality as the current practice gives districts that contain prisons greater representation in the legislature, effectively making the votes of citizens of those districts count more than the votes of citizens in districts without prisons. Sadly many of the districts that are seeing their votes diluted are the very same ones that are providing the

prisoners. This method of counting prisoners, although neutral on its face, leaves open the opportunity for abuse, creating incentives for political parties to consider the political makeup of districts before voting to fund prisons in them. Even absent political abuse, this weighting of votes dilutes the votes of people in other districts and undermines a fundamental ideal of democracy: that all votes are equal.

Racial disparities in Connecticut's prison system contribute to the flaws in the current districting system. Two thirds of Connecticut's prison population is African American and Latino. The five largest prisons in Connecticut are located in white-majority towns (Cheshire, East Lyme, Enfield, Somers and Suffield) and hold 65 percent of all prison cells.¹ This creates an unequal weight in the white prison towns and disproportionately takes away the strength of votes in other towns.

This type of legislation has been passed in New York, Maryland, Delaware and California. Significantly, the New York law has been successfully implemented and upheld in court. Earlier this week the Rhode Island Senate passed a bill to end prison gerrymandering. I urge you to join these states today in protecting fairness in the distribution of state funds and voting equality.

A fundamental principle of our democracy is that representation is distributed on the basis of population. Please pass this bill and restore this principle in Connecticut.

¹ <http://www.prisonersofthecensus.org/ct/report2013.html>